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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/737,043	12/15/2003	Lester F. Ludwig	2738-032	4752

616 7590 06/13/2006

THE MAXHAM FIRM  
750 "B" STREET, SUITE 3100  
SAN DIEGO, CA 92101

EXAMINER
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WARREN, DAVID S

ART UNIT	PAPER NUMBER
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2837

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/737,043

Applicant(s)

LUDWIG, LESTER F.

Examiner

David S. Warren

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-118 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-118 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. This application contains claims directed to the following patentably distinct species:

Embodiment 1: Figure 1a;  
Embodiment 2: Figure 1b;  
Embodiment 3: Figure 1c;  
Embodiment 4: Figure 2a;  
Embodiment 5: Figure 2b;  
Embodiment 6: Figure 3a;  
Embodiment 7: Figure 3b;  
Embodiment 8: Figure 3c;  
Embodiment 9: Figure 3d;  
Embodiment 10: Figure 3e;  
Embodiment 11: Figure 4a;  
Embodiment 12: Figure 4b;  
Embodiment 13: Figure 4c;  
Embodiment 14: Figure 5a;  
Embodiment 15: Figure 5b;  
Embodiment 16: Figure 5c;  
Embodiment 17: Figure 5d;

Embodiment 18: Figure 5e;  
Embodiment 19: Figure 5f;  
Embodiment 20: Figure 6a;  
Embodiment 21: Figure 6b;  
Embodiment 22: Figure 7a;  
Embodiment 23: Figure 7b;  
Embodiment 24: Figure 7c;  
Embodiment 25: Figure 7d;  
Embodiment 26: Figure 7e;  
Embodiment 27: Figure 7f;  
Embodiment 28: Figure 7g;  
Embodiment 29: Figure 8;  
Embodiment 30: Figure 9a;  
Embodiment 31: Figure 9b;  
Embodiment 32: Figure 9c;  
Embodiment 33: Figure 9d;  
Embodiment 34: Figure 9e;  
Embodiment 35: Figure 10a;  
Embodiment 36: Figure 10b;  
Embodiment 37: Figure 11;  
Embodiment 38: Figure 12a;  
Embodiment 39: Figure 12b;

Embodiment 40: Figure 12c;  
Embodiment 41: Figure 13a;  
Embodiment 42: Figure 13b;  
Embodiment 43: Figure 14a;  
Embodiment 44: Figure 14b;  
Embodiment 45: Figure 14c;  
Embodiment 46: Figure 14d;  
Embodiment 47: Figure 14e;  
Embodiment 48: Figure 14f;  
Embodiment 49: Figure 14g;  
Embodiment 50: Figure 14h;  
Embodiment 51: Figure 14i;  
Embodiment 52: Figure 15;  
Embodiment 53: Figure 16;  
Embodiment 54: Figure 17;  
Embodiment 55: Figure 18a;  
Embodiment 56: Figure 18b;  
Embodiment 57: Figure 18c;  
Embodiment 58: Figure 19a;  
Embodiment 59: Figure 19b;  
Embodiment 60: Figure 19c;  
Embodiment 61: Figure 19d;

Embodiment 62: Figure 19e;

Embodiment 63: Figure 19f;

Embodiment 64: Figure 19g;

Embodiment 65: Figure 19h;

Embodiment 66: Figure 19i;

Embodiment 67: Figure 19j;

Embodiment 68: Figure 20a;

Embodiment 69: Figure 20b;

Embodiment 70: Figure 21a;

Embodiment 71: Figure 21b;

Embodiment 72: Figure 22a;

Embodiment 73: Figure 22b;

Embodiment 74: Figure 22c;

Embodiment 75: Figure 22d;

Embodiment 76: Figure 23a;

Embodiment 77: Figure 23b;

Embodiment 78: Figure 23c;

Embodiment 79: Figure 24a;

Embodiment 80: Figure 24b;

2. The species are independent or distinct because distinct because each embodiment shows a different configuration/arrangement necessitating differing search and/or considerations. .

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, none of the claims are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species.

MPEP § 809.02(a).

### ***Conclusion***

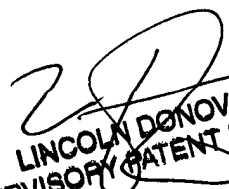
Any inquiry concerning this communication or earlier communications from the examiner should be directed to David S. Warren whose telephone number is 571-272-2076. The examiner can normally be reached on M-F, 9:30 A.M. to 6:30 P.M..

Art Unit: 2837

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lincoln Donovan can be reached on 571-272-2837. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

dsw

  
LINCOLN DONOVAN  
SUPERVISORY PATENT EXAMINER